

Judge did not give due weight to the Supreme Court’s decision in *Endrew F. ex rel. Joseph F. v. Douglas Cnty. Sch. Dist. RE-1*, 580 U.S 386 (2017). The Fifth Circuit has held that *Endrew F.* “do[es] not conflict” with the four-factor test established in *Cypress-Fairbanks Indep. Sch. Dist. v. Michael F. ex rel. Barry F.*, 118 F.3d 245 (5th Cir. 1997). *E. R. ex rel. E. R. v. Spring Branch Indep. Sch. Dist.*, 909 F.3d 754, 765 (5th Cir. 2018) (per curiam). Rather, the two cases “fit together.” *Id.* The Act “guarantees a ‘basic floor’ of opportunity, ‘specifically designed to meet the child’s unique needs, supported by services that will permit him to benefit from the instruction.’” See *Richardson Indep. Sch. Dist. v. Michael Z.*, 580 F.3d 286, 292 (5th Cir. 2009) (quoting *Michael F.*, 118 F.3d at 247–48)). The Memorandum and Recommendation properly identified and applied the Act’s protections.

The remaining objections are attempts to relitigate issues that the Magistrate Judge already considered in the Memorandum and Recommendation. None of the objections have merit. The Magistrate Judge accurately identified the facts and correctly applied the law.

Based on this court’s de novo review of the pleadings, the objections, the record, and the applicable law, the court adopts the Memorandum and Recommendation as this court’s Memorandum and Order. The plaintiff’s motion for summary judgment, (Docket Entry No. 17), is denied. The District’s motion for summary judgment, (Docket Entry No. 16), is granted.

SIGNED on April 9, 2025, at Houston, Texas.



Lee H. Rosenthal
Senior United States District Judge